HAVLISH PLAINTIFFS' RENEWED MOTION FOR AN ORDER CREATING A COMMON BENEFIT FUND AND AUTHORIZING CERTAIN DISBURSEMENTS THEREFROM

EXHIBIT 1

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In ro

TERRORIST ATTACKS ON SEPTEMBER 11, 2001

MEMORANDUM OPINION AND OKDEK

03 MDL 1570 (GBD)

This document relates to:

Ashton v. al Qaeda Islamic Army, 02-cv-6977 (GBD) (FM) ("Ashton");

Federal Insurance Co. v. al Qaida, 03-cv-6978 (GBD) (FM) ("Federal Insurance");

Havlish v. bin Laden, 03-cv-9848 (GBD) (FM) ("Havlish"); and

Estate of John P. O'Neill, Sr., v. Republic of Iraq, 04-cv-1076 (GBD) (FM) ("O'Neill")

GEORGE B. DANIELS, District Judge:

The Havlish Plaintiffs recently moved for an order requiring the Ashton, Federal Insurance, and O'Neill Plaintiffs (collectively, "Respondents") to deposit eight percent of any damages recovered from Iran into a common benefit fund to compensate the *Havlish* Plaintiffs for their efforts in securing a default judgment against Iran, and upon which this Court relied in entering default judgments against Iran on behalf of Respondents. (Havlish Plaintiffs' Motion for an Order Creating a Common Benefit Fund to Compensate and Reimburse Havlish Attorneys for Services Performed and Expenses Incurred in Developing and Presenting Evidence Establishing Liability and Damages against Defendant The Islamic Republic of Iran, (ECF No. 3235).)

On July 12, 2016, Magistrate Judge Maas issued a Report and Recommendation advising this Court to deny the Havlish Plaintiffs' motion without prejudice to its later renewal. (Report and Recommendation ("Report"), (ECF No. 3309), at 2, 7.) Magistrate Judge Maas based his recommendation on the fact that it would be premature to reach the merits of the motion because at this point the amount of effort Respondents will expend to collect their award from Iran, and the sums, if any, that they will actually recover, would be pure speculation. (See id. at 4-7.)

Coase-110334401157700CBBDSAM DOGUMANA439121 FIIHOOD8/020168 FRAGE230453

The Report notified the parties of their right to object to the Report's findings and

recommendations. (Id. at 5.) No objections have been filed.

Courte must review do nove the partians of a magistrate judge's report to which a party properly

objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). If clear notice has been given of the consequences

of failure to object, and there are no objections, the Court may adopt the Report without de novo review.

See Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir.2002) ("Where parties receive clear notice

of the consequences, failure timely to object to a magistrate's report and recommendation operates as a

waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object

and conduct de novo review if it appears that the magistrate judge may have committed plain error. See

Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). No such error

appears here. This Court adopts the findings and recommendation set forth in the Report in their entirety.

(See Report.)

The Havlish Plaintiffs' motion requiring Respondents to deposit eight percent of any damages

recovered from Iran into a common benefit fund is denied without prejudice to its later renewal. The

Clerk of Court is directed to close the motion docketed as ECF No. 3235.

Dated: August 1, 2016 New York, New York

AHR 02 2016

SO ORDERED:

ØEORGE B. DANIELS

United States District Judge

2